

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:	§	Case No. 16-34006
Christopher Lance Roberts	§	Chapter 13
Jordan Gabrielle Greene	§	
	§	Judge Karen K. Brown

**DEBTORS' RESPONSE TO TRUSTEE'S MOTION TO DISMISS AND**  
**REQUEST FOR HEARING**  
**(Related to Doc. No. 31)**

COMES NOW, Christopher Lance Roberts and Jordan Gabrielle Greene and hereby file this Response to the Trustee's Motion to Dismiss and will respectfully show as follows:

1. On August 10, 2016, the debtors filed for Chapter 13 Bankruptcy relief.
2. The debtors have amended their Chapter 13 plan to provide for the priority and secured proof of claims as filed.
3. Debtors' amended chapter 13 plan is proposing to pay \$35,565.12 to the general unsecured creditors. The bar date to file proof of claims has now passed and general unsecured proof of claims filed total \$34,893.69.
4. Both of debtors' vehicles are included in the Chapter 13 plan: a) Santander with a 910 claim being paid in full,<sup>1</sup> and b) Ford being paid as a cramdown in accordance to their POC. (Ford's general unsecured portion from cramdown is \$27,354.56.)
5. Debtors own a second piece of real estate valued at \$87,700.00 and encumbered by a mortgage with Ditech Financial of \$66,751.00. The mortgage pays \$678.68 per month, including property taxes.

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<sup>1</sup> Ford has not objected to confirmation of the Plan as originally proposed paying \$24,433.45 to the unsecured creditors.

6. The property is currently occupied by Debtor's disabled mother and her care giver. The debtors do not receive any rent payment from the disabled mother, but they do not contributed to her needs any further. In other words, the debtors' "cost" of taking care of this disabled parent is \$678.68.
7. Debtors would argue that any other form of assisted living or housing arrangement for Debtor's mother would cost debtor's household much more.
8. Joint Debtor's mother is a widow and lives with the debtors in the debtor's homestead. Joint Debtor's mother has dementia and can not be left alone for extended periods of time. By having Joint Debtor's mother living in the debtors' homestead, the debtors are saving money in care for this elder.
9. Joint Debtor's mother also contributes \$1,000.00 per month to the household.
10. Debtors can not have both elders living in their homestead.
11. Debtors respectfully submit that the carry cost of the second property is reasonable under the specified circumstances.
12. Debtors recognize they can not fund a 100% plan, but respectfully request the Court approves the Chapter 13 plan as amended considering the special circumstances as described above.

WHEREFORE, ALL PREMISES CONSIDERED, the Debtors respectfully Request the Trustee's Motion to Dismiss be denied and the Chapter 13 case be confirmed and for such further relief in law or in equity the Debtors may be entitled to.

Dated: January 12, 2017

/s/ Yvette V. Recio

Yvette V. Recio

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Certificate of Service

I hereby certify that a true and correct copy of Debtors' Response to TMTD was mailed first class mail proper postage affixed and/or delivered via the Court's ECF system to the addresses listed below on this 12<sup>th</sup> day of January, 2017.

/s/ Yvette V. Recio

Yvette V. Recio

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